

## Appendix C

NASW Code of Ethics, Public Law 31-250 Guam Social Work Act



# Code of Ethics

NATIONAL ASSOCIATION OF SOCIAL WORKERS

## PREAMBLE

The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. A historic and defining feature of social work is the profession's focus on individual well-being in a social context and the well-being of society. Fundamental to social work is attention to the environmental forces that create, contribute to, and address problems in living.

## CORE VALUES AND ETHICAL PRINCIPLES

The mission of the social work profession is rooted in a set of core values. These core values, embraced by social workers throughout the profession's history, are the foundation of social work's unique purpose and perspective. Core values, and the principles that flow from them, must be balanced within the context and complexity of the human experience.

<b>Value:</b>	<b>Service</b>
<b>Ethical Principle:</b>	<i>Social workers' primary goal is to help people in need and to address social problems.</i>
<b>Value:</b>	<b>Social Justice</b>
<b>Ethical Principle:</b>	<i>Social workers challenge social injustice.</i>
<b>Value:</b>	<b>Dignity and Worth of the Person</b>
<b>Ethical Principle:</b>	<i>Social workers respect the inherent dignity and worth of the person.</i>
<b>Value:</b>	<b>Importance of Human Relationships</b>
<b>Ethical Principle:</b>	<i>Social workers recognize the central importance of human relationships.</i>
<b>Value:</b>	<b>Integrity</b>
<b>Ethical Principle:</b>	<i>Social workers behave in a trustworthy manner.</i>
<b>Value:</b>	<b>Competence</b>
<b>Ethical Principle:</b>	<i>Social workers practice within their areas of competence and develop and enhance their professional expertise.</i>

The above is an extract of the NASW Code of Ethics. The complete text, including ethical standards is available at [SocialWorkers.org](http://SocialWorkers.org)

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EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

2012 DEC 11 AM 10:31

December 10, 2012

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

31-12-1983  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 12/10/12  
Time 5:20 PM  
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 461-31 (COR) "AN ACT TO ADDA NEW ARTICLE 23 TO CHAPTER 12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT", which I signed into law on December 10, 2012 as **Public Law 31-250**.

*Senseramente,*

  
EDDIE BAZA CALVO

1983

Attachment: copy of Bill

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2012 (SECOND) Regular Session

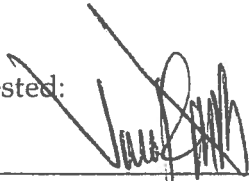
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Substitute Bill No. 461-31 (COR), "AN ACT TO ADD A NEW ARTICLE 23 TO CHAPTER 12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT", was on the 26<sup>th</sup> day of November 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



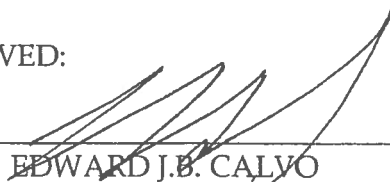
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 28<sup>th</sup> day of Nov, 2012, at 11:10 o'clock A.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

DEC 10 2012

Date: \_\_\_\_\_

Public Law No. 31-250

***I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
**2012 (SECOND) REGULAR SESSION**

**Bill No. 461-31 (COR)**

As substituted by the Committee on Health & Human Services,  
Economic Development, Senior Citizens, and Election Reform;  
and amended on the Floor.

Introduced by:

V. C. Pangelinan  
B. J.F. Cruz  
R. J. Respicio  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
T. C. Ada  
V. A. Ada  
F. F. Blas, Jr.  
Chris M. Dueñas  
Sam A. Mabini, Ph.D.  
Adolpho B. Palacios, Sr.  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 23 TO CHAPTER  
12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED,  
RELATIVE TO THE CREATION OF THE GUAM  
SOCIAL WORK PRACTICE ACT.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** A new Article 23 is hereby *added* to Chapter 12, Part 2 of Title  
10, Guam Code Annotated, to read as follows:

**“ARTICLE 23**  
**SOCIAL WORK PRACTICE ACT**

1           **§ 122301. Legislative Intent.** It is the intent of this Act to promote,  
2           preserve, and protect the public health, safety, and welfare by and through  
3           the effective control and regulation of the practice of social work; the  
4           licensure of social workers; the licensure, control, and regulation of persons,  
5           in or out of this territory that practice social work within the territory.

6           **§ 122302. Definitions.** For the purposes of this Article, the following  
7           words and phrases are defined to mean:

8           *Board shall* mean the Guam Board of Social Work.

9           *Practice of Baccalaureate Social Work* means the application of  
10          social work theory, knowledge, methods, ethics, and the professional use of  
11          self to restore or enhance social, psychosocial, or bio-psycho-social  
12          functioning of individuals, couples, families, groups, organizations, and  
13          communities. Baccalaureate Social Work is basic generalist practice that  
14          includes assessment, planning, intervention, evaluation, case management,  
15          information and referral, counseling, supervision, consultation, education,  
16          advocacy, community organization, and the development, implementation,  
17          and administration of policies, programs, and activities.

18          *Practice of Master's Social Work* means the application of social  
19          work theory, knowledge, methods, ethics, and the professional use of self to  
20          restore or enhance social, psychosocial, or bio-psycho-social functioning of  
21          individuals, couples, families, groups, organizations, and communities.  
22          Master's Social Work practice includes the application of specialized  
23          knowledge and advanced practice skills in the areas of assessment, treatment  
24          planning, implementation and evaluation, case management, information  
25          and referral, supervision, consultation, education, advocacy, community  
26          organization, and the development, implementation, and administration of  
27          policies, programs, and activities. Under supervision as provided in this Act,



1 the practice of Master's Social Work may include the practices reserved to  
2 Clinical Social Workers.

3 *Practice of Clinical Social Work* is a specialty within the practice of  
4 Master's Social Work, and requires the application of social work theory,  
5 knowledge, methods, ethics, and the professional use of self to restore or  
6 enhance social, psychosocial, or bio-psycho-social functioning of  
7 individuals, couples, families, groups, organizations, and communities. The  
8 practice of Clinical Social Work requires the application of specialized  
9 clinical knowledge and advanced clinical skills in the areas of assessment;  
10 diagnosis and treatment of mental, emotional, and behavioral disorders,  
11 conditions, and addictions; and evaluation. Treatment methods include the  
12 provision of individual, marital, couple, family and group counseling and  
13 psychotherapy. The practice of Clinical Social Work may include private  
14 practice and the provision of clinical supervision.

15 *Social work practice* means the professional application of social  
16 work values, principles, ethics and techniques in the following areas:

17 (a) information, resource identification, referral services,  
18 mediation services, advocacy services and education of individuals,  
19 groups, couples and families;

20 (b) preparation and evaluation of assessments and development  
21 and implementation of social work service plans;

22 (c) case management, coordination, casework intervention and  
23 monitoring of social work service plans in the areas of personal, social  
24 or economic resources, conditions, or problems;

25 (d) administration and development of social service programs,  
26 policies, community organization, planning, implementation, and  
27 involvement in the evaluation of social systems and social policies;

1 (e) social work consultation and resource development;

2 (f) research through the formal design and methodology of data  
3 collection and the analysis and evaluation of data, social work  
4 programs, social systems and social policies;

5 (g) psychosocial assessment, diagnostic impressions, treatment  
6 of individuals, couples, families, and groups, prevention of  
7 psychosocial dysfunction, disability or impairment, including  
8 emotional, mental and behavioral disorders, and evaluation of practice  
9 effectiveness; and

10 (h) clinical diagnosis or psychotherapy, or both, provided by a  
11 licensed clinical social worker.

12 *Social worker or S.W.* means a person who has been issued a license  
13 as a Licensed Bachelor Social Worker, Licensed Master's Social Worker, or  
14 Licensed Clinical Social Worker to practice within the scope of practice as  
15 provided in this Article.

16 *Director shall* mean the Director of Public Health and Social Services.

17 *Exemption shall* mean not required to obtain licensure in order to  
18 practice social work as of the date of the passage of this law.

19 *Exception shall* mean able to obtain a social work license through  
20 waiving certain requirements as stated in this law.

21 **§ 122303. Guam Board of Social Work.** The Board provides a  
22 framework for developing rules, which effectively responds to the regulatory  
23 needs of social work licensure. The Board *shall* have all the duties, powers,  
24 and authority specifically granted by or necessary for the enforcement of this  
25 Article, as well as other duties, powers, and authority as may be granted it  
26 from time to time by applicable law.

27 **§ 122304. Board Composition.** The Board *shall* be composed of five

1 (5) members, one (1) of whom *shall* be a representative of the public. The  
2 remaining four (4) members *shall* be social workers, one (1) of whom *shall*  
3 be a member and representative of the National Association of Social  
4 Workers, Guam Chapter. The Board *shall* elect from its members a  
5 Chairperson and such other officers, as it deems appropriate and necessary  
6 to the conduct of its business. The Chairperson *shall* preside at all meetings  
7 of the Board and *shall* be responsible for the performance of all of the duties  
8 and functions of the Board required or permitted by this Act. Each  
9 additional officer elected by the Board *shall* perform those duties  
10 customarily associated with the position, and such other duties as assigned  
11 from time to time by the Board. A quorum must be present to conduct a  
12 board meeting. The vote of the majority present *shall* constitute an official  
13 action of the Board. The majority vote *shall* consist of half of the vote plus  
14 one (1) of those members present. Three (3) members of the Board *shall*  
15 constitute a quorum.

16 **§ 122305. Qualifications of Board Members.**

17 (a) Board members who are social workers *shall* at all times:

18 (1) be a resident of Guam;

19 (2) be currently licensed and in good standing to engage in the  
20 practice of social work on Guam or be eligible for licensure within  
21 thirty (30) days of the passage of this Act;

22 (3) at the time of appointment have been actively engaged in  
23 the social work profession; and

24 (4) have *at least* three (3) years of experience in the practice  
25 of social work.

26 (b) The public member of the Board *shall* be a resident of Guam  
27 who has attained the age of majority, and shall not be, nor shall ever have

1 been a Baccalaureate Social Worker, Licensed Master's Social Worker, or  
2 Licensed Clinical Social Worker, or the spouse thereof. The public member  
3 shall not ever have had any material financial interest in the provision of  
4 social work services or who has engaged in any activity directly related to  
5 the practice of social work.

6       **§ 122306. Appointment.** *I Maga'laken Guðhan shall appoint the*  
7 *members of the Board, and shall be confirmed by I Liheslaturan Guðhan.*

8       **§ 122307. Terms of Office.** Members of the Board *shall* be appointed  
9 for a term of three (3) years, *except* members of the Board who are  
10 appointed to fill vacancies which occur prior to the expiration of a former  
11 member's full term, who *shall* serve the unexpired portion of such term.  
12 The terms of the members of the Board *shall* be staggered, so that the terms  
13 of *no more than* three (3) members shall expire in any year. Each member  
14 *shall* serve until a successor is appointed and qualified.

15       No member of the Board *shall* serve more than two (2) consecutive  
16 full terms. The completion of the unexpired portion of a full term *shall not*  
17 constitute a full term.

18       **§ 122308. Vacancies.** Any vacancy which occurs in the membership  
19 of the Board for any reason, including expiration of term, removal,  
20 resignation, death, disability or disqualification, *shall* be filled by *I*  
21 *Maga'laken Guðhan* in the manner prescribed by § 122306.

22       **§ 122309. Removal.** (a) A Board member may be removed pursuant  
23 to the procedures set forth in Subsection (b) herein, upon one (1) or more of  
24 the following grounds:

25               (1) the refusal or inability for any reason of a Board member to  
26 perform the duties as a member of the Board in an efficient,  
27 responsible, and professional manner;

1 (2) the misuse of office by a member of the Board to obtain  
2 pecuniary or material gain or advantage personally or for another  
3 through such office;

4 (3) the violation by any member of the laws governing the  
5 practice of social work; or

6 (4) for other just and reasonable causes as determined *solely* by  
7 the Board pursuant to applicable law.

8 (b) Removal of a member of the Board *shall* be in accordance with  
9 the Administrative Adjudication Law of Guam, or other applicable laws.

10 **§ 122310. Board Meetings.** The Board *shall* meet regularly at a time  
11 and place decided by the Board, or as decided by the Chairperson. A special  
12 meeting may be called at the discretion of the Chairperson. All meetings,  
13 whether regular or special, *shall* be announced and notice thereof given in  
14 accordance with the Open Government Law.

15 **§ 122311. Personnel.** The Department of Public Health and Social  
16 Services *shall* be the Department responsible for the implementation of this  
17 Act. The Director *shall* provide such office space, staff, supplies,  
18 equipment, vehicle and assistants as may be necessary for the work of the  
19 Board, including the execution and enforcement of this Chapter. The  
20 Attorney General *shall* provide legal services to the Board without a fee.

21 **§ 122312. Rules and Regulations.** The Board *shall* be authorized to  
22 adopt and enforce rules and regulations to carry into effect the provisions of  
23 this Act, and *shall* adopt rules and regulations in accordance with 5GCA,  
24 Chapter 9, the Administrative Adjudication Law, Rule Making Procedures.

25 **§ 122313. Duties, Powers, and Authority.**

26 (a) The Board *shall* be responsible for the control and regulation of  
27 the practice of social work, including, but *not* limited to, the following:

1           (1) the licensing by examination or by licensure transfer of  
2 applicants who are qualified to engage in the practice of social work  
3 under the provisions of this Article;

4           (2) the renewal of licenses to engage in the practice of social  
5 work;

6           (3) determining the appropriate fees for licensing, licensing  
7 renewal, and other forms of regulation;

8           (4) the establishment and enforcement of compliance with  
9 professional standards of practice and rules of conduct of social  
10 workers engaged in the practice of social work and consistent with the  
11 National Association of Social Workers Code of Ethics;

12           (5) the enforcement of those provisions in the Act relating to  
13 the conduct or competence of social workers practicing in this  
14 territory, investigation of any such activities related to the practice of  
15 unauthorized practice of social work, and the suspension, revocation,  
16 or restriction of licenses to engage in the practice of social work;

17           (6) with probable cause that an applicant or licensee has  
18 engaged in conduct prohibited by this Act or a statute or rule enforced  
19 by the Board, the Board may issue an order directing the applicant or  
20 licensee to submit to a mental or physical examination or chemical  
21 dependency evaluation. For the purpose of this Section, every  
22 applicant or licensee is considered to have consented to submit to a  
23 mental or physical examination or chemical dependency evaluation  
24 when ordered to do so in writing by the Board, and to have waived all  
25 objections to the admissibility of the examiner's or evaluator's  
26 testimony or reports on the grounds that the testimony or reports  
27 constitute a privileged communication;

1 (7) the collection of professional demographic data;  
2 (8) the issuance and renewal of licenses of all persons engaged  
3 in the practice of social work;

4 (9) the evaluation of non-social work degree holders who  
5 submit a written request for exemption from social work licensure as  
6 prescribed in this law, determination of whether or not exemption  
7 should be granted, and the granting of a Certificate of Exemption to  
8 applicant within eighteen (18) months of the passage of this law;

9 (10) the evaluation of non-social work degree holders who  
10 submit a written request for exception from the requirements of social  
11 work licensure as prescribed in this law, the determination of whether  
12 or not an exception should be granted; and the granting of said  
13 exceptions within eighteen (18) months of the passage of this law; and

14 (11) the inspection of any licensed person at all reasonable  
15 hours for the purpose of determining if any provisions of the laws  
16 governing the practice of social work are being violated. The Board,  
17 its officers, inspectors, and representatives *shall* cooperate with all  
18 agencies charged with the enforcement of the laws of this territory  
19 relating to the practice of social work.

20 (b) The Board *shall* have such other duties, powers, and authority as  
21 may be necessary to the enforcement of this Act and to the enforcement of  
22 Board rules made pursuant thereto, which *shall* include, but are *not* limited  
23 to, the following:

24 (1) The Board may join such professional organizations and  
25 associations organized exclusively to promote the improvement of the  
26 standards of the practice of social work for the protection of the health

1 and welfare of the public and/or whose activities assist and facilitate  
2 the work of the Board;

3 (2) The Board may receive and expend funds, in addition to its  
4 annual appropriation, from parties or other entities, to include, but *not*  
5 limited to, grants and/or awards provided that:

6 (A) such funds are awarded for the pursuit of a specific  
7 objective which the Board is authorized to accomplish by this  
8 Article, or which the Board is qualified to accomplish by reason  
9 of its jurisdiction or professional expertise;

10 (B) such funds are expended for the pursuit of the  
11 objective for which they are awarded;

12 (C) activities connected with or occasioned by the  
13 expenditures of such funds *do not* interfere with the  
14 performance of the Board's duties and responsibilities and *do*  
15 *not* conflict with the exercise of the Board's powers as specified  
16 by this Act; and

17 (D) such funds are kept in a separate account, and an  
18 annual audit report relative to the receipt of such grants and/or  
19 awards and the expenditure of such funds is performed.

20 (c) The Board may establish a Bill of Rights for clients concerning  
21 the services a client may expect in regard to social work services.

22 (d) Any investigation, inquiry, or hearing which the Board is  
23 empowered to hold or undertake by or before any member or members of  
24 the Board, and the finding or order of such member or members *shall* be  
25 deemed to be the order of said Board when approved and confirmed.

26 (e) The Board *shall* report to the Attorney General of Guam any  
27 violation of this Article, which is deemed violative pursuant to criminal



1 statutes of Guam to cause appropriate proceedings to be instituted in the  
2 proper court in a timely manner and to be prosecuted in the manner required  
3 by law.

4 (f) The Board *shall* have the power to subpoena and to bring before it  
5 any person and to take testimony either orally or by deposition, or both, in  
6 the same manner as prescribed in civil cases in the courts of this territory.  
7 Any member of the Board, hearing officer, or administrative law judge *shall*  
8 have the power to administer oaths to witnesses at any hearing, which the  
9 Board is authorized to conduct, and any other oaths authorized in any Act  
10 administered by the Board.

11 (g) The Board *shall* establish and collect fees from every applicant  
12 for the services it performs. The fees *shall* be established through rules and  
13 regulations pursuant to 5 GCA, Chapter 9, the Administrative Adjudication  
14 Law, Rule Making Procedures.

15 (h) In addition to the fees specifically provided for, the Board may  
16 assess additional reasonable fees for services rendered to carry out its duties  
17 and responsibilities as required or authorized by this Act or rules adopted  
18 hereunder. Such services rendered *shall* include, but *not* be limited to, the  
19 following:

- 20 (1) issuance of duplicate certificates or identification cards;
- 21 (2) mailing lists, or reports of data maintained by the Board;
- 22 (3) copies of any documents;
- 23 (4) certification of documents;
- 24 (5) notices of meetings;
- 25 (6) licensure transfer;
- 26 (7) examination administration to a licensure applicant; and
- 27 (8) examination materials.

1           **§ 122314. Social Work Licensing Program.** There is hereby  
2 established within the Department of Public Health and Social Services  
3 be administered by the Board, a social work licensing program that *shall*  
4 recognize the “Licensed Bachelor Social Worker” or “L.B.S.W.”, the  
5 “Licensed Master’s Social Worker” or “L.M.S.W.”, and the “Licensed  
6 Clinical Social Worker” or “L.C.S.W.”.

7           **§ 122315. Limitations of Scope of Practice.** In accordance with the  
8 definition of the practice of social work there *shall* be limitations on the  
9 scope of the practice of social work as follows:

10           (a) The “Licensed Bachelor Social Worker” or “L.B.S.W.” may  
11 perform duties as defined in §122302, and as defined in Subsections  
12 (a) to (d) of the definition of the practice of social work in said  
13 Section in an agency setting under supervision;

14           (2) The “Licensed Master’s Social Worker” or “L.M.S.W.” may  
15 perform duties as defined in §122302, and as defined in Subsections  
16 (a) to (g) of the definition of the practice of social work in said  
17 Section; and

18           (3) The “Licensed Clinical Social Worker” or “L.C.S.W.” may  
19 perform duties as defined in §122302, and as defined in Subsections  
20 (a) to (h) of the definition of the practice of social work in said  
21 Section.

22           **§ 122316. License Required.** No person shall purport to be a “social  
23 worker”, “Licensed Bachelor Social Worker”, “Licensed Master’s Social  
24 Worker”, “Licensed Clinical Social Worker”, or use the letters “S.W.”,  
25 “L.B.S.W.”, “L.M.S.W.”, or “L.C.S.W.”, in connection with the person’s  
26 name, or engage in the practice of social work as defined in this Article  
27 without meeting the applicable requirements and holding a license as set

1        forth in this Article or holding a Certificate of Exemption from the Board.  
2        For those granted a Certificate of Exemption, the person is prohibited from  
3        using any of the letters indicated in this Section, irrespective of their job  
4        title.

5            **§ 122317. Exemptions.** Exemptions may be granted to non-social  
6        work degree holders who are employed with the job title “social worker” or  
7        any derivative thereof. Those granted a Certificate of Exemption by the  
8        Board would be allowed to remain in their social work positions without a  
9        social work license. Persons may apply for a Certificate of Exemption  
10       within eighteen (18) months of the date of the enactment of this Act. After  
11       the eighteen (18) months period has expired, no person shall be granted a  
12       Certificate of Exemption. The Certificate of Exemption *shall* be effective  
13       indefinitely the course of the person’s professional career.

14           (a) A Certificate of Exemption is granted to any person employed  
15       with the job title “social worker” or any derivative thereof who possesses a  
16       Bachelor’s, Master’s, or PhD level degree that is not in the field of social  
17       work as of the date of the enactment of this Act, but if he wishes to continue  
18       employment with the job title “social worker”, he may obtain a Certificate of  
19       Exemption from the Board by providing the following:

20                   (1) a written request for exemption from licensure;

21                   (2) a written declaration that they are individuals in good  
22       standing based on satisfactory employment performance evaluations  
23       and with no ethical complaints in the course of their employment with  
24       the job title “social worker”;

25                   (3) sign a declaration statement that they will abide by the  
26       National Association of Social Workers Code of Ethics; and

(4) submit three (3) letters of verification; one (1) from their current employer acknowledging that he/she is an individual in good standing, and is highly recommended for employment with the job title, “social worker”.

(b) Licensure *shall not* be required of:

(1) any licensed person doing work within the scope of practice or duties of the person’s profession that overlaps with the practice of social work; provided the person *does not* purport to be a social worker;

(2) any person employed by a federal, state, or government agency in a social worker position, but only at those times when that person is carrying out the duties and responsibilities as a social worker (i.e. social workers responding to natural disasters) for *up to* six (6) months, or extension as certified by the Board, and holds a social work license in another U.S. state or jurisdiction;

(3) any student enrolled in an accredited educational institution in a recognized program of study leading toward attainment of a degree in social work; provided, that the student’s activities and services are part of a prescribed course of study supervised by the educational institution and the student is identified by an appropriate title such as “social work student”, “social work intern”, or any other title which clearly indicates the student’s training status;

(4) any person who is a member of a mental health professional *not* requiring licensure; provided, that the person functions *only* within the person’s professional capacities; and provided further that the person *does not* purport to be a social worker;

1 (5) any person teaching, lecturing, consulting, or engaging in  
2 research in social work insofar as the activities are performed as part  
3 of or are dependent upon employment in a college or university;  
4 provided, that the person *shall not* engage in the practice of social  
5 work outside the responsibilities of the person's employment;

6 (6) any person who is a duly recognized member of the clergy;  
7 provided, that the person functions *only* within the person's capacities  
8 as a member of the clergy; and provided further that the person *does*  
9 *not* purport to be a social worker;

10 (7) any person who is obtaining supervised clinical experience  
11 for licensure as a psychologist, marriage and family therapist, or as  
12 another licensed professional; provided, that the person's title  
13 indicates a trainee status; and provided further that the person *does not*  
14 purport to be a social worker;

15 (8) any person in the process of obtaining three thousand  
16 (3,000) hours of post Master's clinical social work experience under  
17 the supervision of a licensed clinical social worker or an individual  
18 identified in §122302 to qualify for a license as a licensed clinical  
19 social worker; and provided that the person calls oneself a clinical  
20 social worker intern and is supervised while performing clinical  
21 diagnosis and psychotherapy.

22 § 122318. **Exceptions.** An exception is granted to any person  
23 meeting the following conditions:

24 (a) a person who is employed or has retired with the job title "social  
25 worker" or any derivative thereof and possesses a Bachelor's, Master's, or  
26 Ph.D. degree in the field of social work from an accredited or unaccredited  
27 social work degree program as of the date of passage of this law. Those

1 granted exceptions must obtain a social work license within eighteen (18)  
2 months upon enactment of this Act;

3 (b) a person who self-identifies as a social worker and possesses a  
4 Bachelor's, Master's, or Ph.D. degree in the field of social work from an  
5 accredited or unaccredited social work degree program upon enactment of  
6 this Act. Those granted exceptions must obtain a social work license within  
7 eighteen (18) months upon enactment of this Act; and

8 (c) a person who possess a non-social work degree, but possesses a  
9 degree in a related social science, to include degrees such as psychology,  
10 sociology, counseling, human relations and human services, political  
11 science, criminal justice, and any other degrees as approved by the Board;  
12 and who self-identifies as a social worker may apply for an exception to  
13 obtain social work licensure meeting the following requirements:

14 (1) provide a written request for exception from licensure  
15 requirements to the Board;

16 (2) provide a written declaration that they are individuals in  
17 good standing based on satisfactory employment performance  
18 evaluations and with no ethical complaints in the course of their  
19 employment with the job title "social worker";

20 (3) sign a declaration statement that they will abide by the  
21 National Association of Social Workers Code of Ethics;

22 (4) submit three (3) letters of verification; one (1) from their  
23 current employer acknowledging that he/she is an individual in good  
24 standing, and is highly recommended for employment with the job  
25 title, "social worker"; and

26 (5) obtain fifty (50) continuing education units (CEU) or  
27 certified training contact hours approved by the Social Work Board in

the field of social work to include the following: the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities; and training in the social work Generalist Practice Model that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities. The fifty (50) CEUs or certified training contact hours shall have no time or date limitations.

(d) All persons qualified for exceptions *do not* need to take the appropriate licensure examination, but must conform to all other requirements consistent with the appropriate level of licensure as prescribed in the law. Exceptions may *only* be granted by the Board up until eighteen (18) months upon enactment of this Act.

**§ 122319. Licensing Requirements.** Every applicant for a license as a social worker *shall* submit evidence satisfactory to the Board that the applicant meets the following requirements:

(a) For the Licensed Bachelor Social Worker (L.B.S.W.), the applicant must:

(1) hold a Bachelor's degree from a college or university in a social work program accredited by or deemed to be equivalent to a program accredited by the Council on Social Work Education; and

(2) have passed the basic level national examination given by the Association of Social Work Boards (ASWB).

1 (b) For the Licensed Master's Social Worker (L.M.S.W.), the  
2 applicant must:

3 (1) hold a Master's degree from a college or university in a  
4 social work program accredited by or deemed to be equivalent to an  
5 accredited program by the Council on Social Work Education or a  
6 doctoral degree from a doctoral degree program in social work  
7 accredited by the Western Association of Schools and Colleges or a  
8 comparable regional accreditation body; and

9 (2) have passed the intermediate higher-level national  
10 examination given by the Association of Social Work Board (ASWB)  
11 or has been credentialed by the Association of Certified Social  
12 Workers (ACSW).

13 (c) For the Licensed Clinical Social Worker (L.C.S.W.), the applicant  
14 must:

15 (1) meet the educational requirements in Subsection (b) of this  
16 §122319;

17 (2) have passed the clinical level national examination given by  
18 the Association of Social Work Boards (ASWB); and

19 (3) have provided evidence of successful completion of at last  
20 three thousand (3,000) hours of post masters clinical social work  
21 experience under the supervision, and completed within *no fewer than*  
22 two (2) years, but within *no more than* five (5) years. Clinical social  
23 work experience *shall* include a minimum of two thousand (2,000)  
24 hours of assessment, clinical diagnosis and psychotherapy; *no more*  
25 *than* a maximum of nine hundred (900) hours of client-centered  
26 advocacy, consultation, and evaluation; and *at least* one hundred  
27 (100) hours of direct face-to-face supervision. *At least* sixty (60) of



the one hundred (100) hours of direct face-to-face supervision *shall* have been individualized supervision, and the remaining forty (40) hours may have been under small group (up to six (6) supervisees) supervision; provided, that the supervisor *shall* have been a licensed clinical social worker with *at least* four thousand five hundred (4,500) hours of post masters clinical social work experience.

(d) For the first five (5) years upon enactment of this Act, the following individuals *shall* be deemed to have satisfied the requirements of a supervisor:

(1) a person with a master's degree in social work with *at least* four thousand five hundred (4,500) post masters clinical social work experience; or

(2) an individual who is a Diplomate in Clinical Social Work (DCSW) or holds a Board Certified Diplomate Certification (BCD); or a board certified psychiatrist, psychologist, or advanced practice registered nurse who has a minimum of four thousand five hundred (4,500) hours of post masters clinical experience in assessment, clinical diagnosis, and psychotherapy.

(e) Supervision *shall* have occurred in an agency setting that provided clinical diagnosis and psychotherapy.

(f) An applicant who submits evidence of certification as a Qualified Clinical Social Worker (QCSW) or Diplomate in Clinical Social Work (DCSW) by the National Association of Social Workers or as a Board Certified Diplomate by the American Board of Examiners *shall* be deemed to have satisfied the experience requirements of this Section.

**§ 122320. Reciprocity and Endorsement.**

1 (a) The Board may enter into reciprocity agreements with other states  
2 and issue a license to a social worker who has been licensed in that state;  
3 provided, that the requirements for a license in the state in which the  
4 applicant is licensed are deemed by the Board to be equal to or greater than  
5 the current requirements for a license in this territory.

6 (b) The Board may issue a license by endorsement by honoring a  
7 passing score on the examination of the Association of Social Work Boards  
8 (ASWB); provided that at a minimum, the applicant meets the other  
9 requirements and the passing score is from the examination category that is  
10 required for licensed in this territory and the other state uses for its license.

11 **§ 122321. Application for Examination.**

12 (a) Any person eligible for licensure who wishes to be licensed *shall*  
13 apply for examination to the Board *at least* ninety (90) days prior to the date  
14 of the examination, upon a form and in the manner that the Board *shall*  
15 prescribe;

16 (b) Any application to the Board *shall* be accompanied by a  
17 nonrefundable application fee; and

18 (c) A person who applies for an examination may apply for  
19 reexamination.

20 **§ 122322. Examination for License.**

21 (a) Each applicant for licensure *shall* take and pass a national  
22 examination administered by the Association of Social Work Boards  
23 (ASWB) in accordance with procedures and standards prescribed by the  
24 Board.

25 (b) Applicants for the “Licensed Clinical Social Worker” or  
26 “L.C.S.W.” license who have passed the L.C.S.W. examination administered

1 by the Association of Social Work Boards before the enactment of this Act  
2 *shall* be deemed to have satisfied the requirement of this Article.

3 (c) The applicant *shall* pay the examination fee directly to the  
4 Association of Social Work Boards (ASWB).

5 § 122323. **Issuance of License.** The Board *shall* issue a license to  
6 any person who meets all licensure requirements, to include payment of the  
7 appropriate fees.

8 § 122324. **Renewals.** Every license issued under this Act *shall* be  
9 renewed every two (2) years on or before the date set forth by the Board.

10 § 122325. **Requirement.** A licensee must complete *at least* thirty  
11 (30) hours of approved programs of continuing education units in the two (2)  
12 year period that should be completed at the time of license renewal.

13 (a) A Program of Continuing Education must contain *at least* one (1)  
14 of the following content areas related to social work practice:

15 (1) Theories and concepts of human behavior in the social  
16 environment;

17 (2) Social work practice, knowledge and skills;

18 (3) Social work research, programs, or practice evaluations;

19 (4) Social work management, administration or social policy;

20 (5) Social work ethics; and

21 (6) Other areas approved by the Board deemed important and  
22 relevant to current social work practice.

23 (b) The following amount of continuing education hours must be  
24 earned in the following program areas:

25 (1) six (6) education hours addressing social work ethics, and  
26 must be completed through courses offered by NASW;

1 (2) four (4) education hours addressing cultural competency,  
2 specific to the diverse population of Guam; and

3 (3) two (2) education hours in the area of working with persons  
4 with disabilities.

5 (c) Continuing education hours must be earned in *at least* two (2) of  
6 the following academic course work:

7 (1) Courses and seminars given by an Accredited Program of  
8 Social Work;

9 (2) Postgraduate courses from a university, college, or other  
10 institution of higher education, in a field other than social work, upon  
11 proof that the course is relevant to social work practice and with the  
12 approval of the Board;

13 (3) Undergraduate courses from a university, college or other  
14 institution of higher education, upon satisfaction of the Board that  
15 such course updates or enhances the licensee's social work  
16 competence;

17 (4) Correspondence work, televised courses, audio/visual,  
18 videotapes, on-line, and other forms of self-study upon approval of the  
19 Board, shown to update or enhance social work competence. Under no  
20 circumstances shall more than five (5) hours from this category be  
21 acceptable as continuing education for each renewal cycle;

22 (5) Continuing education presentations of national,  
23 international, regional, or sub-regional conferences or association  
24 meetings relevant to social work practice;

25 (6) Workshops or institutes, including approved workshops at  
26 conventions relevant to social work practice from approved providers;

1 (7) Public or private agency staff development programs from  
2 approved providers that contribute to the enhancement of social work  
3 practice or knowledge that are not primarily procedural or  
4 administrative.

5 (d) The Board *shall* have the final approval of the content areas for  
6 designating a program as a Program of Continuing Education. The Board  
7 may determine an Approved Provider of Continuing Education, after receipt  
8 of an application as set forth by the Board, accompanied by an applicable  
9 fee, which demonstrates the following:

10 (1) Programs to be provided will meet guidelines as  
11 determined by the Board, and will be presented by competent  
12 individuals as documented by appropriate academic training,  
13 professional licensure or certification, or professionally recognized  
14 experience;

15 (2) An identified licensed social worker will be involved in  
16 program planning and review;

17 (3) Appropriate documents will be maintained and provided to  
18 the Board upon request, including presenter qualifications, learning  
19 objectives, content outlines, attendance records, and completed  
20 evaluation forms;

21 (4) Compliance with all other applicable laws, including the  
22 Americans with Disabilities Act.

23 (5) Attendees will be provided a certificate of completion,  
24 which includes the provider number.

25 Upon enactment of this Act, the Board *shall* convene an adhoc  
26 committee, with *no more than* five (5) members as appointed by the  
27 Chair, which may include non-members of the Board to compile a list

1 of any additional continuing education units and/or hours *not*  
2 identified in this Chapter with the final approval by the Board.

3 **§ 122326. Revocation, Suspension, Denial, or condition of**  
4 **Licenses; Fines.**

5 (a) In addition to any other acts or conditions provided by law, the  
6 Board may refuse to renew, reinstate, or restore; or may deny, revoke,  
7 suspend, or condition in any manner any license; or fine any exempt  
8 government employee or any one (1) or more of the following acts or  
9 conditions on the part of the applicant, licensee or exempt person:

10 (1) failing to meet or maintain the conditions and requirements  
11 necessary to qualify for the granting of a license;

12 (2) being addicted to, dependent on, or being a habitual user of  
13 a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine,  
14 or other drugs or derivatives of a similar nature;

15 (3) engaging in the practice of social work while impaired by  
16 alcohol, drugs, or mental instability;

17 (4) procuring a social work license through fraud,  
18 misrepresentation, or deceit;

19 (5) aiding and abetting an unlicensed person to directly or  
20 indirectly use the title "social worker" or engage in the practice as a  
21 "Licensed Bachelor Social Worker", "Licensed Master's Social  
22 Worker" or "Licensed Clinical Social Worker";

23 (6) engaging in professional misconduct, incompetence, gross  
24 negligence, or manifest incapacity in the practice of social work;

25 (7) engaging in conduct or practice contrary to the National  
26 Association of Social Worker's Professional Code of Ethics;

1 (8) failing to comply, observe, or adhere to any law in a  
2 manner such that the Board deems the applicant or holder to be an  
3 unfit or improper person to hold a social work license;

4 (9) revocation, suspension or other disciplinary action by  
5 another state or federal agency against the licensee or applicant for  
6 any reason provided by this Section;

7 (10) having a criminal conviction, whether by nolo contendere  
8 or otherwise, of a crime directly related to the qualifications, functions  
9 or duties of the social work profession;

10 (11) failing to report in writing to the Board any disciplinary  
11 decision issued against the licensee or the applicant in another  
12 jurisdiction within thirty (30) days of the disciplinary decision;

13 (12) employing, utilizing, or attempting to employ or utilize at  
14 any time any person not licensed who purports to be or engages in  
15 practice as a Social Worker, Licensed Bachelor Social Worker,  
16 Licensed Master's Social Worker, or Licensed Clinical Social  
17 Worker;

18 (13) engaging in the practice of social work beyond the scope  
19 of the person's license; or

20 (14) violating this Chapter or any rules adopted pursuant  
21 thereto.

22 (b) The Board may determine on a case-by-case basis to give a  
23 license to an applicant who has been convicted of a crime; provided the  
24 following is met:

25 (1) the applicant must provide proof that he/she has made  
26 efforts to rehabilitate himself/herself and become positive, productive  
27 members in the community; and

1 (2) if one was convicted of a crime ten (10) or more years  
2 before the date of application or the date of license renewal, the Board  
3 may automatically administer the license.

4 (c) Any licensee who violates this Section may also be fined *not more*  
5 *than* One Thousand Dollars (\$1,000) per violation.

6 (d) The Board *shall* have the authority to investigate, prosecute, and  
7 conduct administrative hearings regarding exempt government employees.

8 (e) The Board may defer action with regard to an impaired licensee  
9 who voluntarily signs an agreement, in a form satisfactory to the Board,  
10 agreeing *not* to practice social work and to enter an approved treatment and  
11 monitoring program in accordance with this Section; provided, that this  
12 Section *shall not* apply to a licensee who has been convicted of, pleads  
13 guilty to, or enters a plea of nolo contendere to a felonious act or an offense  
14 relating to a controlled substance in a court of law of the United States or  
15 any other state, territory, or country, or a conviction related to sexual  
16 misconduct. A licensee who is physically or mentally impaired due to  
17 mental illness or addiction to drugs or alcohol may qualify as an impaired  
18 social worker and have disciplinary action deferred and ultimately waived  
19 *only* if the Board is satisfied that such action will *not* endanger the public  
20 and the licensee enters into an agreement with the Board for a treatment and  
21 monitoring plan approved by the Board, progresses satisfactorily in such  
22 treatment and monitoring program, and complies with all terms of the  
23 agreement and all other applicable terms of this Section.

24 (f) Failure to enter such agreement or to comply with the terms and  
25 make satisfactory progress in the treatment and monitoring program *shall*  
26 disqualify the licensee from the provisions of this Section, and the Board  
27 may activate an immediate investigation and disciplinary proceeding. Upon



1 completion of the rehabilitation program in accordance with the agreement  
2 signed by the Board, the licensee may apply for permission to resume the  
3 practice of social work upon such conditions as the Board determines  
4 necessary.

5 **§ 122327. Prohibited Acts; Penalties.** No person shall:

6 (a) use in connection with the person's name any designation tending  
7 to imply that the person is a Social Worker, Licensed Bachelor Social  
8 Worker, Licensed Master's Social Worker, or Licensed Clinical Social  
9 Worker, *unless* the person is duly licensed and authorized under this  
10 Chapter;

11 (b) represent oneself as a Social Worker, Licensed Bachelor Social  
12 Worker, Licensed Master's Social Worker, or Licensed Clinical Social  
13 Worker during the time the person's license issued under this Chapter is  
14 forfeited, terminated, suspended, or revoked;

15 (c) perform clinical diagnosis or psychotherapy, *unless* the person is a  
16 licensed clinical social worker; or

17 (d) engage in autonomous and independent clinical social work  
18 practice without being licensed as a Licensed Clinical Social Worker.

19 (e) Any person who is in violation of any of the acts pursuant to this  
20 Article *shall* be subject to a fine of *not more than* One Thousand Dollars  
21 (\$1,000), and each day's violation *shall* be deemed a separate offense. The  
22 Board *shall* determine the revocation of any license issued by the Board in  
23 consideration of the severity of the violation and severity of the prohibited  
24 acts.

25 **§ 122328. Consumer Right of Action.** Any person who suffers  
26 damage as a result of a violation of this Article *shall* be entitled to injunctive  
27 relief restraining further violations and may sue to recover damages in any

1 circuit court of the territory and, if successful, *shall* recover three (3) times  
2 the actual damages or One Thousand Dollars (\$1,000), whichever is greater.  
3 In any action brought under this Act, the prevailing party *shall* be entitled to  
4 the recovery of costs of suits, including reasonable attorney's fees.

5 **§ 122329. Privileged Communication.**

6 (a) No social worker shall disclose any information acquired or  
7 provided by a client or from persons consulting the social worker in a  
8 professional capacity, *except* that which may be voluntarily disclosed under  
9 the following circumstances:

10 (1) in the course of formally reporting, conferring or consulting  
11 with administrative superiors, colleagues or consultants who share  
12 professional responsibility, in which instance all recipients of such  
13 information are similarly bound to regard the communication as  
14 privileged;

15 (2) with the written consent of the person who provided the  
16 information;

17 (3) in case of death or disability, with the written consent of a  
18 personal representative, other person authorized to sue, or the  
19 beneficiary of an insurance policy on the person's life, health or  
20 physical condition;

21 (4) when a communication reveals the intended commission of  
22 a crime or harmful act, and such disclosure is judged necessary by the  
23 social worker to protect any person from a clear, imminent risk of  
24 serious mental or physical harm or injury, or to forestall a serious  
25 threat to the public safety; or

26 (5) when the person waives the privilege by bringing any  
27 public charges against the licensee.

1 (b) When the person is a minor under the laws of the territory of  
2 Guam and the information acquired by the social worker indicates the minor  
3 was the victim of or witness to a crime, the social worker may be required to  
4 testify in any judicial proceedings in which the commission of that crime is  
5 the subject of inquiry, and when the court determines that the interests of the  
6 minor in having the information held privileged are outweighed by the  
7 requirements of justice, the need to protect the public safety or the need to  
8 protect the minor.

9 (c) Any person having access to records or anyone who participates  
10 in providing social work services or who, in providing any human services,  
11 is supervised by a social worker, is similarly bound to regard all information  
12 and communications as privileged in accordance with this Section.

13 (d) Nothing shall be construed to prohibit a social worker from  
14 voluntarily testifying in court hearings concerning matters of adoption, child  
15 abuse, child neglect or other matters pertaining to children, the elderly, and  
16 physically and mentally impaired adults, *except* as prohibited under the  
17 applicable state and federal laws.

18 **§ 122330. Creation of Revolving Fund.** There is hereby created  
19 the “Social Work Board Revolving Fund” (Fund) within the Health  
20 Professional Licensing Office of the Department of Public Health and Social  
21 Services, specifically for use by the Board. All such revenues, including  
22 fines, *shall* be deposited into the Fund. Such funds *shall* be appropriated  
23 continuously and *shall* be used by the Board *only* for administration and  
24 enforcement of this Act. All fees and charges *shall* be set by the Board  
25 pursuant to its budget needs and *shall* comply with 5 GCA, Chapter 9. A  
26 designated officer of the Board *shall* oversee the collection and  
27 disbursement of funds. The Office of Public Accountability, or its

equivalent, *shall* audit the Fund annually with reports to be submitted to *I Maga'laken Guåhan* and the Speaker of *I Liheslaturan Guåhan*. The Fund *shall not* be subject to any transfer authority of *I Maga'laken Guåhan*.

**§ 122331. Standards of Practice / Code of Conduct.**

**Part 1. Standards of Practice.**

**Subpart 1. Scope and Applicability.** The standards of practice apply to *all* applicants and licensees. The use of the term *social worker* within these standards of practice includes *all* applicants and licensees.

**Subpart 2. Purpose.** The standards of practice constitute the standards by which the professional conduct of an applicant or licensee is measured.

**Subpart 3. Violations.** A violation of the standards of practice constitutes unprofessional or unethical conduct and constitutes grounds for disciplinary action or denial of licensure.

**Part 2. General Practice Parameters.**

**Subpart 1. Client Welfare.** Within the context of the specific standards of practice prescribed herein, a social worker *shall* make reasonable efforts to advance the welfare and best interests of a client.

**Subpart 2. Self-determination.** Within the context of the specific standards of practice prescribed herein, a social worker *shall* respect a client's right to self-determination.

**Subpart 3. Non-discrimination.** A social worker *shall not* discriminate against a client, student, or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of a concern

1 about potential discrimination against a client, student, or supervisee,  
2 the social worker *shall* make an appropriate and timely referral. When  
3 a referral is *not* possible, the social worker *shall* obtain supervision or  
4 consultation to address the concern.

5 **Subpart 4. Professional Disclosure Statement.**

6 (a) A social worker *shall* effectively communicate through  
7 handouts or other means as appropriate for all clients and may display  
8 at the social worker's primary place of practice a statement that the  
9 client has the right to the following:

10 (1) to expect that the social worker has met the minimal  
11 qualifications of education, training, and experience required by  
12 the law in that jurisdiction;

13 (2) to examine public records maintained by the Board  
14 which contain the social worker's qualifications and  
15 credentials;

16 (3) to be given a copy of the standards of practice upon  
17 request;

18 (4) to report a complaint about the social worker's  
19 practice to the Board;

20 (5) to be informed of the cost of professional services  
21 before receiving the services;

22 (6) to privacy as allowed by law, and to be informed of  
23 the limits of confidentiality;

24 (7) to be free from being the object of discrimination  
25 while receiving social work service; and

26 (8) to have access to records as allowed by law.

1 (b) Limited Access to Client Information. A social worker  
2 *shall* make reasonable efforts to limit access to client information in a  
3 social worker's agency to appropriate agency staff whose duties  
4 require access.

5 (c) A social worker receiving supervision related to practice  
6 *shall* inform the client that the social worker may be reviewing the  
7 client's case with the social worker's supervisor or consultant. Upon  
8 request, the social worker *shall* provide the name of the supervisor  
9 and the supervisor's contact information.

### 10 **Part 3. Competence.**

11 **Subpart 1. Continued Competence.** A social worker *shall*  
12 take all necessary and reasonable steps to maintain continued  
13 competence in the practice of social work.

14 **Subpart 2. Limits on Practice.** A social worker *shall* limit  
15 practice *only* to the competency areas for which the social worker is  
16 qualified by licensure and training, experience, or supervised practice.

17 **Subpart 3. Referrals.** A social worker *shall* make a referral to  
18 other professionals when the services required are beyond the social  
19 worker's competence.

20 **Subpart 4. Delegation.** A social worker *shall not* assign,  
21 oversee or supervise the performance of a task by another individual  
22 when the social worker knows that the other individual is *not* licensed  
23 to perform the task or *has not* developed the competence to perform  
24 such task.

### 25 **Part 4. Practice Requirements.**

26 **Subpart 1. Assessment or Diagnosis.** A social worker *shall*  
27 base services on an assessment or diagnosis. A social worker *shall*

1 evaluate on an ongoing basis whether the assessment or diagnosis  
2 needs to be reviewed or revised.

3 **Subpart 2. Assessment or Diagnostic Instrument.** A social  
4 worker *shall* follow standard and accepted procedures for deciding  
5 when and how to use an assessment or diagnostic instrument. A  
6 social worker *shall* inform a client of its purpose before administering  
7 the instrument and, when available, of the results derived therefrom.

8 **Subpart 3. Plan.** A social worker *shall* develop a plan for  
9 service, which includes goals based on the assessment or diagnosis. A  
10 social worker *shall* evaluate on an ongoing basis whether the plan  
11 needs to be reviewed or revised.

12 **Subpart 4. Supervision or Consultation.** A social worker  
13 *shall* obtain supervision or engage in consultation when necessary to  
14 serve the best interests of a client.

15 **Subpart 5. Informed Consent.**

16 (a) Social workers *shall* provide services to clients *only* in the  
17 context of a professional relationship based, when appropriate, on  
18 valid informed consent. Social workers should use clear and  
19 understandable language to inform clients of the plan of the services,  
20 risks related to the plan, limits to services, relevant costs, reasonable  
21 alternatives, client's right to refuse or withdraw consent, and the time  
22 frame covered by the consent. Social workers *shall* provide clients  
23 with an opportunity to ask questions.

24 (b) If the client *does not* have the capacity to provide consent,  
25 the social worker *shall* obtain consent for the services from the  
26 client's legal guardian, or other authorized representative.

1 (c) If the client, the legal guardian, or other authorized  
2 representative *does not* consent, the social worker *shall* discuss with  
3 the client that a referral to other resources may be in the client's best  
4 interests.

5 **Subpart 6. Records.**

6 (a) A social worker *shall* make and maintain records of  
7 services provided to a client. At a minimum, the records *shall* contain  
8 documentation of the assessment or diagnosis; documentation of a  
9 plan; documentation of any revision of the assessment or diagnosis or  
10 of a plan; any fees charged and other billing information; copies of all  
11 client authorization for release of information; and any other legal  
12 forms pertaining to the client. These records *shall* be maintained by  
13 the licensee or agency employing the licensee under secure conditions  
14 and for time periods in compliance with applicable federal or state  
15 law, but in no case for fewer than seven (7) years after the last date of  
16 service.

17 (b) Where a social worker or social work practice ceases  
18 operations as a result of a suspension, retirement or death of the  
19 owner, sale or other cause, including insolvency, the licensee, or other  
20 individual responsible for supervising the disposition of the practice,  
21 *shall* make every effort to notify the clients of their right to retrieve  
22 current records for a period of six (6) months using all of the  
23 following methods:

24 (1) notification in writing to the board;

25 (2) publication, *at least* weekly for one (1) month, in a  
26 newspaper whose circulation encompasses the major area of a



practitioner's former practice, of a notice advising clients of the right to retrieve their records for a six (6) month period; and

(3) if applicable, a sign placed at the practice location informing clients of the right and procedures to retrieve their records.

(b) Should any client fail to retrieve the records within the six (6) month period and unless otherwise required by law, the responsible party *shall* arrange for the destruction of such documents in a manner to ensure confidentiality.

**Subpart 7. Reports.** A social worker *shall* complete and submit reports as required by law in a timely manner.

**Subpart 8. Exploitation.** A social worker *shall not* exploit in any manner the professional relationship with a client, student, or supervisee for the social worker's emotional, financial, sexual or personal advantage or benefit, nor shall the social worker use the professional relationship with a client, student, or supervisee to further personal, religious, political or business interests.

**Subpart 9. Termination of Services.** A social worker *shall* terminate a professional relationship with a client when the client is *not* likely to benefit from continued services *or* the services are *no longer* needed. The social worker who anticipates the termination of services *shall* give reasonable notice to the client. The social worker *shall* take reasonable steps to inform the client of the termination of professional relationship. The social worker *shall* provide referrals as needed *or* upon the request of the client. A social worker *shall not* terminate a professional relationship for the purpose of beginning a personal or business relationship with a client.

1           **Part 5. Relationships with Clients and Former Clients.**

2           **Subpart 1. Personal Relationships With Clients.** A social  
3 worker *shall not* engage in dual relationships with clients that  
4 compromise the well-being of the client, impair the objectivity and  
5 professional judgment of the social worker *or* increase the risk of  
6 client exploitation. When a social worker may *not* avoid a personal  
7 relationship with a client, the social worker *shall* take appropriate  
8 precautions, such as informed consent, consultation, or supervision to  
9 ensure that the social worker's objectivity and professional judgment  
10 are *not* impaired.

11           **Subpart 2. Personal Relationships with Former Clients.** A  
12 social worker may engage in a personal relationship, *except* as  
13 prohibited by Part 5, Subpart 4, with a former client, if the former  
14 client was notified of the termination of the professional relationship.  
15 The social worker *shall* continue to consider the best interests of the  
16 former client, and *shall not* engage in a personal relationship with a  
17 former client if a reasonable social worker would conclude that the  
18 former client continues to relate to the social worker in the social  
19 worker's professional capacity.

20           **Subpart 3. Sexual Contact With a Client.** A social worker  
21 *shall not* engage in or request sexual contact as defined in Part 5,  
22 Subpart 5, with a client under any circumstances. A social worker  
23 *shall not* engage in any verbal or physical behavior which a  
24 reasonable person would find to be sexually seductive or sexually  
25 demeaning. A social worker *shall not* sexually harass a client.

26           **Subpart 4. Sexual Contact With a Former Client.** A social  
27 worker who has provided clinical social work services to a client *shall*

1 *not* engage in or request sexual contact as defined in Part 5, Subpart 5,  
2 with the former client under any circumstances. A social worker who  
3 has provided other social work services to a client *shall not* engage in  
4 or request sexual contact as defined in Part 5, Subpart 5, with the  
5 former client at any time if a reasonable social worker would  
6 determine that engaging in sexual contact with the client would be  
7 exploitative, abusive, or detrimental to the client's welfare. It is the  
8 responsibility of the social worker to assume the full burden of  
9 demonstrating that the former client *has not* been exploited or abused  
10 either intentionally or unintentionally.

11 **Subpart 5. Sexual Contact Defined.** Sexual contact includes,  
12 but is *not* limited to, sexual intercourse, either genital or anal,  
13 cunnilingus, fellatio, or the handling of the breasts, genital areas,  
14 buttocks, or thighs, whether clothed or unclothed, by either the social  
15 worker or the client.

16 **Subpart 6. Business Relationship With a Client.** A social  
17 worker *shall not* engage in any type of a business relationship with a  
18 client. Business relationships *do not* include purchases made by the  
19 social worker from the client when the client is providing necessary  
20 goods or services to the general public, and the social worker  
21 determines that it is *not* possible or reasonable to obtain the necessary  
22 goods or services from another provider.

23 **Subpart 7. Business Relationship With a Former Client.** A  
24 social worker may engage in a business relationship with a former  
25 client *if* the former client was notified of the termination of the  
26 professional relationship. The social worker *shall* continue to consider  
27 the best interests of the former client, and *shall not* engage in a

business relationship with a former client if a reasonable social worker would conclude that the former client continues to relate to the social worker in the social worker's professional capacity.

**Subpart 8. Prior Personal or Business Relationships.** A social worker may engage in a professional relationship with an individual with whom the social worker had a previous personal or business relationship *only* if a reasonable social worker would conclude that the social worker's objectivity and professional judgment will *not* be impaired by reason of the previous personal or business relationship.

**Subpart 9. Social Worker Responsibility.** A social worker *shall* be *solely* responsible for acting appropriately in regard to relationships with clients or former clients. A client or a former client's initiation of a personal, sexual, or business relationship *shall not* be a defense by the social worker for a violation of Part 5, Subparts 1 through 8.

**Subpart 10. Others.** Part 5, Subparts 1 through 9 also apply to a social worker's relationship with students, supervisees, employees of the social worker, family members or significant others of a client.

## **Part 6. Client Confidentiality.**

**Subpart 1. General.** A social worker *shall* protect all information provided by or obtained about a client. "Client information" includes the social worker's personal knowledge of the client and client records. *Except* as provided herein, client information may be disclosed or released *only* with the client's written informed consent. The written informed consent *shall* explain to whom the

1 client information will be disclosed or released and the purpose and  
2 time frame for the release of information.

3 **Subpart 2. Release of Client Information Without Written**  
4 **Consent.** A social worker *shall* disclose client information without the  
5 client's written consent *only* under the following circumstances:

6 (a) where mandated by federal or state law, including  
7 mandatory reporting laws, requiring release of client  
8 information;

9 (b) the social worker determines that there is a clear and  
10 imminent risk that the client will inflict serious harm on either  
11 the client or another identified individual. The social worker  
12 *shall* release *only* the information that is necessary to avoid the  
13 infliction of serious harm. The social worker may release this  
14 information to the appropriate authorities and the potential  
15 victim;

16 (c) the Board duly issues a valid subpoena to the social  
17 worker, as permitted by law.

18 **Subpart 3. Release of Client Records Without Written**  
19 **Consent.** A social worker *shall* release client records without the  
20 client's written consent under the following circumstances:

21 (a) a client's authorized representative consents in  
22 writing to the release;

23 (b) as mandated by federal or jurisdiction law requiring  
24 release of the records;

25 (c) the Board duly issues a valid subpoena for the  
26 records, as permitted by law.

1                   **Subpart 4. Limits of Confidentiality.** The social worker *shall*  
2 inform the client of the limits of confidentiality as provided under  
3 applicable law.

4                   **Subpart 5. Minor Clients.** In addition to the general directive  
5 in Part 6, Subpart 4, a social worker must inform a minor client, at the  
6 beginning of a professional relationship, of any laws which impose a  
7 limit on the right of privacy of a minor.

8                   **Subpart 6. Third Party Billing.** A social worker *shall* provide  
9 client information to a third party for the purpose of payment for  
10 services rendered *only* with the client's written informed consent. The  
11 social worker *shall* inform the client of the nature of the client  
12 information to be disclosed or released to the third party payor.

13                   **Subpart 7. Client Information to Remain private.** A social  
14 worker *shall* continue to maintain confidentiality of client information  
15 upon termination of the professional relationship, including upon the  
16 death of the client, *except* as provided under applicable law.

17                   **Subpart 8. Recording/Observation.** A social worker *shall*  
18 obtain the client's written informed consent before the taping or  
19 recording of a session or a meeting with the client, or before a third  
20 party is allowed to observe the session or meeting. The written  
21 informed consent *shall* explain to the client the purpose of the taping  
22 or recording and how the taping or recording will be used, how it will  
23 be stored and when it will be destroyed.

24                   **Part 7. Conduct.**

25                   **Subpart 1. Impairment.** A social worker *shall not* practice  
26 while impaired by medication, alcohol, drugs, or other chemicals. A

1 social worker *shall not* practice under a mental or physical condition  
2 that impairs the ability to safely practice.

3 **Subpart 2. Giving Drugs to a Client.** Unless permissible by  
4 state law, a social worker *shall not* offer medication or controlled  
5 substances to a client, or accept these substances from a client for  
6 personal use or gain. The social worker may accept medication or  
7 controlled substances from a client for purposes of disposal or to  
8 monitor use. Under no circumstances shall a social worker offer  
9 alcoholic beverages to a client or accept such from a client.

10 **Subpart 3. Investigation.** A social worker *shall* comply with  
11 and *not* interfere with Board investigations.

## 12 **Part 8. Representation to the Public. Advertising.**

13 **Subpart 1. Required Use of License Designation.** A social  
14 worker *shall* use the license designation of LBSW, LMSW, LCSW,  
15 which corresponds to the social worker's license, after the social  
16 worker's name in all written communications related to social work  
17 practice, including any advertising, correspondence, and entries to  
18 client records.

19 **Subpart 2. Information to Clients or Potential Clients.** A  
20 social worker *shall* provide accurate and factual information  
21 concerning the social worker's credentials, education, training, and  
22 experience upon request from a client or potential client. A social  
23 worker *shall not* misrepresent, directly or by implication, the social  
24 worker's license level, degree, professional certifications, affiliations,  
25 or other professional qualifications in any oral or written  
26 communication or permit or continue to permit any misrepresentations  
27 by others. A social worker *shall not* misrepresent, directly or by

1           implication, affiliations, purposes, and characteristics of institutions  
2           and organizations with which the social worker is associated.

3           **Subpart 3. Licensure Status.** Licensure status *shall not* be  
4           used as a claim, promise, or guarantee of successful service, nor shall  
5           the license be used to imply that the licensee has competence in  
6           another service. Public statements or advertisements may describe  
7           fees, professional qualifications and services provided, but they may  
8           *not* advertise services as to their quality or uniqueness and may *not*  
9           contain testimonials by quotation or implication.

10          **Subpart 4. Display of License.** A social worker *shall*  
11          conspicuously display a current license issued by the Board at the  
12          social worker's primary place of practice.

## 13          **Part 9. Fees and Billing Practices.**

14          **Subpart 1. Fees and Payments.** A social worker who  
15          provides a service for a fee *shall* inform a client of the fee at the initial  
16          session or meeting with the client. Payment must be arranged at the  
17          beginning of the professional relationship, and the payment  
18          arrangement must be provided to a client in writing. A social worker  
19          *shall* provide, upon request from a client, a client's legal guardian, or  
20          other authorized representative, a written explanation of the charges  
21          for any services rendered.

22          **Subpart 2. Necessary Services.** A social worker *shall* bill *only*  
23          for services which have been provided. A social worker *shall* provide  
24          *only* services which are necessary.

25          **Subpart 3. Bartering.** A social worker may *not* accept goods  
26          or services from the client or a third party in exchange for the social  
27          worker's services, *except* when such arrangement is initiated by the



client, and is an accepted practice in the social worker's community or within the client's culture. It is the responsibility of the social worker to assume the full burden of demonstrating that this arrangement will *not* be detrimental or exploitative to the client or the professional relationship.

**Subpart 4. No Payment for Referrals.** A social worker shall neither accept nor give a commission, rebate, fee split, or other form of remuneration for the referral of a client.

**Part 10. Research.**

**Subpart 1. Informed Consent.** When undertaking research activities, the social worker *shall* abide by accepted protocols for protection of human subjects. A social worker must obtain a client's or a client's legal guardian's written informed consent for the client to participate in a study or research project, and explain in writing the purpose of the study or research, as well as the activities to be undertaken by the client should the client agree to participate in the study or research project. The social worker must inform the client of the client's right to withdraw from the project at any time."

**Section 2. Effective Date.** This Act *shall* become effective upon enactment.

**Section 3. Severability.** If any provision of this Law or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

